

1 KEKER & VAN NEST LLP
ROBERT A. VAN NEST - # 84065
2 rvannest@kvn.com
CHRISTA M. ANDERSON - # 184325
3 canderson@kvn.com
DANIEL PURCELL - # 191424
4 dpurcell@kvn.com
633 Battery Street
5 San Francisco, CA 94111-1809
Telephone: (415) 391-5400
6 Facsimile: (415) 397-7188

7 KING & SPALDING LLP
BRUCE W. BABER (pro hac vice)
8 bbaber@kslaw.com
1185 Avenue of the Americas
9 New York, NY 10036
Tel: (212) 556-2100
10 Fax: (212) 556-2222

11 Attorneys for Defendant
GOOGLE INC.

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 ORACLE AMERICA, INC.,

16 Plaintiffs,

17 v.

18 GOOGLE, INC.,

19 Defendant.
20
21
22
23
24
25
26
27
28

Case No. 3:10-cv-03561 WHA

**DECLARATION OF MAYA KARWANDE
IN SUPPORT OF THE STIPULATION RE
EXPERT SCHEDULE**

Dept. Courtroom 8, 19th Floor
Judge: Hon. William Alsup

1 I, MAYA KARWANDE, declare as follows:

2 1. I am an attorney licensed to practice law in the State of California and am an
3 associate at the law firm of Kecker & Van Nest LLP, counsel to Google Inc. ("Google") in the
4 above-captioned action. Pursuant to Civil Local Rule 6-2, I submit this declaration in support of
5 Google's and Oracle Inc.'s ("Oracle") Stipulation Regarding Expert Schedule. I have knowledge
6 of the facts set forth herein, and if called upon as a witness, I could testify to them competently
7 under oath.

8 2. The parties have agreed and stipulated to modify the expert schedule in the Order
9 Approving Modified Schedule for Expert Reports, ECF No. 1356, which approves the schedule
10 as stated in the Stipulation Regarding Case Schedule, ECF No. 1334. Given the large volume of
11 material in the second round of party expert reports, the parties have agreed to extend the
12 deadlines for the third round party expert reports, party expert depositions, Dr. Kearl's Rule 706
13 expert report, Dr. Kearl's deposition, and party rebuttals to Dr. Kearl's Rule 706 report. In
14 addition, as the deadline to file *Daubert* motions is March 23, 2016, ECF No. 1506, and under the
15 parties proposed modification the deadline to depose Dr. Kearl is March 25, 2016, the parties
16 agree it is appropriate to extend the deadline to file motions related to Dr. Kearl's report while
17 maintaining the date for any reply brief on such a motion at two weeks prior to hearing.

18 3. The Court has indicated that it will not entertain motions for summary judgment,
19 ECF No. 1500 & February 2, 2016 Hr'g. Tr. at 20-21 & 32-33.

20 4. Dr. Kearl, and his counsel, Mr. Cooper, have indicated that they are agreeable to
21 the proposed modifications to the expert schedule.

22 5. Pursuant to Local Rule 6-2(a)(2), I have reviewed the docket entries in this matter
23 to determine previous time modifications in this case, whether by stipulation or Court order.
24 Attached hereto as Appendix A is a list of these time modifications.

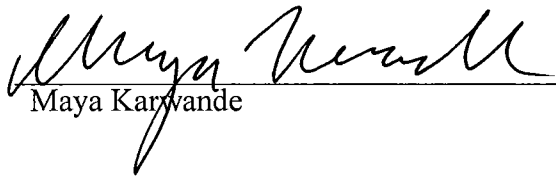
25 6. As set forth in the accompanying stipulation and proposed order, the requested
26 modifications to the expert schedule will alter the dates for third round party expert reports, party
27 expert depositions, Dr. Kearl's Rule 706 expert report, Dr. Kearl's deposition, party rebuttals to
28 Dr. Kearl's Rule 706 report, and motions related to Dr. Kearl's Rule 706 expert report, but will

1 have no impact on the scheduled pre-trial conference set for April 27, 2016, or the tentative trial
2 date set for May 9, 2016.

3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct to the best of my knowledge.

5
6 Executed on this 17 day of February, 2016 at San Francisco, California.

7
8
9 By:

10 
Maya Karwande

APPENDIX A

Pursuant to Local Rule 6-2(a)(2), the following is a list of previous time modifications in the case, whether by stipulation or Court order:

- On August 25, 2010, Google filed a stipulation extending the deadline to file its responsive pleading from September 3, 2010 to October 4, 2010. ECF No. 9.
- On July 28, 2011, Oracle filed a stipulation extending fact discovery cut-off and due dates for expert reports. ECF No. 246. The order was entered on August 1, 2011. ECF No. 257.
- On August 18, 2011, Oracle filed a motion extending time to file their response to Google's request to file a motion for summary judgment on Oracle's infringement allegations under 35 U.S.C. § 271(c). ECF No. 321. The motion was granted that same day. ECF No. 322.
- On August 22, 2011, Google filed a stipulation extending due dates for expert rebuttal and reply reports on patent-related issues. ECF No. 348. The order was entered on August 29, 2011. ECF No. 364.
- On September 1, 2011, Oracle filed a stipulation extending the cut-off for the deposition of Motorola Mobility, Inc., Dipchand Nishar, and Timothy Lindholm. ECF No. 378. The order was entered that same day. ECF No. 381.
- On September 2, 2011, the Court shortened the briefing schedule for Google's motion to strike. ECF No. 385.
- On September 15, 2011, Oracle filed a stipulation extending the non-damages expert discovery cut-off for the deposition of David August. ECF No. 432. The order was entered on September 16, 2011. ECF No. 437.
- On October 5, 2011, Google filed a stipulation extending time to file certain pre-trial materials. ECF No. 487. The order was entered on October 6, 2011. ECF No. 488.
- On October 12, 2011, Oracle filed a stipulation extending time to file jury instructions, verdict forms, and trial briefs. ECF No. 516. The order was entered that same day. ECF No. 517.
- On October 28, 2011, John Cooper on behalf of Dr. James Kearl filed a request to extension of time to file Rule 706 expert report. ECF No. 574. The order was entered that same day. ECF No. 575.
- On November 17, 2011, Google filed a stipulation extending time for depositions of Timothy Bray and John Rizzo. ECF No. 623. The order was entered on November 18, 2011. ECF No. 624.
- On December 27, 2011, the Court extended the due date for Dr. James Kearl's expert report. ECF No. 658.
- On April 23, 2012, Google filed a Motion for Extension of Time to File Motion for Administrative Relief to Extend Deadline for Filing Under Seal. ECF No. 966. That motion was granted on April 25, 2015. ECF No. 973.
- On October 13, 2015, Oracle filed a stipulation extending the deadlines in the Third Case Management Order. ECF No. 1334. The order was entered on November 3, 2015. ECF

No. 1356.

- On December 16, 2015, Oracle filed a stipulation extending the deadline to take the depositions of Henrik Stahl and Henrique De Castro. ECF No. 1400. The order was entered on December 17, 2015. ECF No. 1401.
- On January 14, 2016, Oracle filed a stipulation extending the deadline to depose Henrique De Castro. ECF No. 1424. The order was entered on January 15, 2016. ECF No. 1429.
- On February 11, 2016, Google filed a stipulation moving the hearing date on Docket Numbers 1441 and 1462 to March 10, 2016. ECF No. 1502.